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Counsel for Plaintiff

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,
 PASSENGER SEXUAL ASSAULT
 LITIGATION

MDL No. 3084 CRB

Honorable Charles R. Breyer

This Document Relates to:

PLAINTIFF'S RESPONSE TO
 DEFENDANTS' MOTION TO DISMISS
 CASES FOR FAILURE TO COMPLY WITH
 PTO31 AND SHOW CAUSE ORDERS

E.M. 3612 v. Uber Technologies, Inc., et al.;
3:25-cv-03681-CRB

Date: January 16, 2026
 Time: 10:00 a.m.
 Courtroom: 6 – 17th Floor

Plaintiff respectfully submits this response to Defendant Uber Technologies, Inc.'s Motion to Dismiss based on Plaintiff's non-compliance with Pretrial Order No. 31. Plaintiff recognizes the Court's authority to enforce compliance with PTO 31 and acknowledges that, despite diligent and repeated efforts by counsel, Plaintiff has been unable comply with the Court's Order.

Since issuance of PTO 31, counsel has made numerous attempts to obtain the required verification, including repeated written requests, telephone calls, and follow-up reminders. These efforts have not yielded the Plaintiff's executed verification despite counsel's diligence. Plaintiff's counsel does not dispute that the verification remains outstanding; the non-

1 compliance is not due to bad faith, willful disregard of the Court's Orders, or any dilatory
2 litigation posture. Rather, it reflects circumstances outside counsel's control.

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4 Dated: December 6, 2025

Respectfully submitted,

5 By: /s/ Andrea S. Hirsch
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12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on December 6, 2025, I electronically transmitted the foregoing
14 **PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS CASES FOR**
15 **FAILURE TO COMPLY WITH PTO31 AND SHOW CAUSE ORDERS** to the Clerk's
16 Office using the CM/ECF System for filing thereby transmitting a Notice of *Electronic* Filing to
17 all CM/ECF registrants. Additionally, the foregoing was served on Defendants' counsel via
18 email at: ubermldservice@listserv.shb.com.
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21 /s/ Andrea S. Hirsch
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